

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

# JOHNNIE BANKS,

Plaintiff,

V.

**UNKNOWN,**

Defendant.

) ) ) ) ) ) ) ) )

Case No. 7:22CV00728

## OPINION

JUDGE JAMES P. JONES

*Johnnie Banks, Pro Se Plaintiff.*

The plaintiff, Johnnie Banks, proceeding pro se, filed a petition for writ of mandamus, pursuant to 28 U.S.C. §1361. By order entered December 20, 2022, the court directed plaintiff to submit within 20 days from the date of the order a statement of assets form, an inmate account form, and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, I will dismiss the action without prejudice and

strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

An appropriate Order will issue herewith.

DATED: January 19, 2023

/s/ JAMES P. JONES  
Senior United States District Judge